

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE

Jason Coleman v. Wes Golden et al.

Case No. 3:25-cv-00833 · No. 3:25-cv-00833 · Decided January 1, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee addresses several motions in Jason Coleman’s 42 U.S.C. § 1983 action alleging false imprisonment and malicious prosecution. The court administratively terminated the defendants’ Rule 12(b)(6) motion as untimely because it was filed after their answer, granted Coleman leave to amend to substitute Latisha M. Johnson as a defendant, and ordered him to refile a signed amended complaint. The court denied Coleman’s motions to extend the service deadline and stay the proceedings as premature or moot.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee
WRITING FOR THE COURT	Alistair E. Newbern
JURISDICTION	United States District Court for the Middle District of Tennessee
DECIDED	January 1, 2026
DOCKET	3:25-cv-00833
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983. Several defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) after filing an answer; plaintiff moved for leave to amend, to extend the service deadline, and to stay the proceedings.
STANDARD OF REVIEW	A post-answer Rule 12(b)(6) motion is untimely because Rule 12(b)(6) motions must be made before a responsive pleading. Leave to amend under Rule 15(a)(2) is generally freely given absent undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice, or futility. A proposed amendment is futile if it would not survive a Rule 12(b)(6) motion.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum order

TOPICS

- motions to dismiss
- motion to amend
- service of process
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether defendants' Rule 12(b)(6) motion was timely when filed after they had answered the original complaint.
2. Whether Coleman should be granted leave under Rule 15(a)(2) to amend his complaint to substitute Latisha M. Johnson for Keisha Johnson.
3. Whether Coleman's unsigned proposed amended complaint complied with Federal Rule of Civil Procedure 11(a) and the applicable local rule.
4. Whether Coleman was entitled to an extension of time to serve Latisha M. Johnson and a stay of proceedings pending service.

HOLDINGS

1. A Rule 12(b)(6) motion filed after the moving defendants have served an answer is untimely; the court administratively terminated the motion.
2. Leave to amend was granted because Coleman had filed a proposed amended complaint, defendants identified no undue prejudice, and no other apparent reason supported denial of leave.
3. The court declined to resolve defendants' futility arguments at the amendment stage and allowed those arguments to be presented in a dispositive motion directed at the amended complaint.
4. Coleman was required to refile a signed amended complaint because the proposed amended complaint's typed name did not satisfy Rule 11(a) and the applicable local rule.
5. Coleman's request for an extension of time to serve Latisha M. Johnson was premature, and his request to stay the proceedings pending service was denied.

KEY QUOTATIONS

"a post-answer Rule 12(b)(6) motion is untimely and the cases indicate that some other vehicle, such as a motion for judgment on the pleadings or for summary judgment, must be used to challenge the plaintiff's failure to state a claim for relief at that point."

"A proposed amendment is futile when it would not survive a motion to dismiss under Rule 12(b)(6)."

FACTUAL BACKGROUND

Jason Coleman, proceeding pro se, was incarcerated in Montgomery County, Tennessee, and brought claims under 42 U.S.C. § 1983 for false imprisonment and malicious prosecution. He originally named Keisha Johnson as a defendant but later learned that the intended defendant's identity was Latisha M. Johnson. Coleman filed a proposed amended complaint, but the pleading lacked a handwritten signature, and he had not yet served Latisha Johnson.

PROCEDURAL HISTORY

Coleman filed an original complaint asserting false-imprisonment and malicious-prosecution claims against several defendants. Daniel, Davis, Golden, and Poland answered and then filed a Rule 12(b)(6) motion. Coleman sought leave to amend to substitute Latisha M. Johnson for Keisha Johnson and later sought additional time to serve Johnson and a stay. The court administratively terminated the post-answer motion to dismiss as untimely, granted leave to amend subject to refile of a signed pleading, and denied the service-extension and stay requests.

DISPOSITION

other

CASES CITED

- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Leary v. Daeschner, 349 F.3d 888, 905 (6th Cir. 2003)
- Miller v. Calhoun County, 408 F.3d 803, 817 (6th Cir. 2005)
- Rose v. Hartford Underwriters Insurance Co., 203 F.3d 417, 420 (6th Cir. 2000)
- Riverview Health Institute LLC v. Medical Mutual of Ohio, 601 F.3d 505, 512 (6th Cir. 2010)
- Newberry v. Silverman, 789 F.3d 636, 645 (6th Cir. 2015)
- Janikowski v. Bendix Corp., 823 F.2d 945, 951 (6th Cir. 1987)
- Burusa v. Wilson, Case No. 3:24-cv-00320, 2024 WL 3166907, at *2 (M.D. Tenn. June 25, 2024)
- Becker v. Montgomery, 532 U.S. 757, 764 (2001)

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